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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,703

09/06/2003

Paul T. Dietz

8256

7590

04/01/2004

Paul T. Dietz
8406 169th Ct. W.
Lakeville, MN 55044

EXAMINER

COURSON, TANIA C

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,703

Applicant(s)

DIETZ, PAUL T.

Examiner

Tania C. Courson

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06SEP03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following:

a) “a first coupling” as stated in line 1 of claim 4, line 10 of claim 6, line 1 of claim 9, line 10 of claim 11 and line 1 of claim 14;

b) “a second coupling” as stated in line 1 of claim 5, line 1 of claim 10 and line 12 of claim 11;

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 6, and 11 are objected to because of the following informalities:

a) claims 1, 6 and 11, in lines 10, 9 and 9, respectively, “on a ” should read “on the”.

Appropriate correction is required.

3. Claims 9 and 14 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 6 and 11, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sappington (US 5,414,936).

Sappington discloses in Figures 1-6, an adjustable archery sight comprising:

- a) a vertical slide (Fig. 2, slide 53), a vertical slide mount (Fig. 2, carriage 25) slidably engaged with the vertical slide to allow movement of the vertical slide in a vertical direction (Fig. 1), a horizontal bar (Fig. 2, screw 121) adapted for receiving an aiming sight and engaged with at least one of the vertical slide and vertical slide mount to allow movement of the horizontal bar in a horizontal direction (Fig. 1), a removable adjustment member (Fig. 2, bracket 83, slide 51, support 101 and bracket 89) that adjusts the aiming sight in controlled, finite, repeatable, increments in the horizontal and vertical direction relative to a fixed point on a bow (Fig. 1);

- b) further including a mounting member (Fig. 2, bracket 5) mounted to the bow and engaged to the vertical slide mount (Fig. 1);
- c) further including an extension member (Fig. 2, arm 3) extending between the mounting member and the vertical slide mount (Fig. 1);
- d) further including a first coupling (Fig. 2, axial knob 133) to couple the adjustment member to the horizontal bar and at least one of the vertical slide and vertical slide mount (Fig. 1), and;
- e) further including a second coupling (Fig. 2, cap 73) to couple the adjustment member to vertical slide and the vertical slide mount (Fig. 1).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose a device for archery:

Henry (US 6,701,632 B2)

Wuthrich (US 6,688,008 B1)

Johsnon et al. (US 6,609,306 B2)

Slates (US 6,477,779 B1)

Lorocco (US 6,477,778, B1)

Slates (US 6,401,347 B1)

Wiseby et al. (US 6,026,799)

Slates (US 5,722,175)

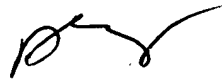
Art Unit: 2859

Scantlen (US 5,507,272)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245. The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
March 19, 2003